

REMARKS

Claims 1-5, 7-9, 15-19, 21, 23, 27, 28, 34-37, 39, 40, 42 and 43 are pending and stand rejected. Claims 1, 15, 34, 39, 40 and 42 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-5, 7-9, 15-19, 21, 23, 27, 28, 34-37, 39, 40, 42 and 43 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,052,506 to Fukushima *et al.* ("Fukushima").

Applicant hereby amends claims 1, 7-9, 15, 21, 23, 27, 28, 34, 36, 37, 39, 40 and 42. Applicant previously cancelled claims 25, 26, 38, and 41 without prejudice. Support for the amendments can be found throughout the specification, for example, in at least paragraphs [0029], [0031], [0032], [0043], [0047], [0049], [0050], [0060] and Figures 11 and 12 of U.S. Patent Application Publication No. 2005/0204153 to Ramamurthy ("Ramamurthy"). Applicant submits that these amendments do not introduce any new matter. Upon entry of this paper, claims 1-5, 7-9, 15-19, 21, 23, 27, 28, 34-37, 39, 40, 42 and 43 will be pending in the application and are presented for consideration

I. Rejection of Claims 1, 15, 34, 39, 40 and 42 under 35 U.S.C. § 112, first paragraph

The Office Action rejected claims 1, 15, 34, 39, 40 and 42 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office Action stated that the following limitations are not supported by the specification:

- "receiving, by the presentation device, an updated shader instruction sequence, wherein the second updated shader instruction sequence includes instructions executable to store at least one of the decrypted information or the one or more pixels in a computer readable storage medium" (Office Action at 2);

- “installing, at the presentation device, the second updated shader instruction sequence on the shader module, wherein installation of the updated shader instruction sequence modifies at least a portion of the first shader instruction sequence” (Office Action at 3); and
- “executing, by the presentation device, the modified first shader instruction sequence on the shader module to: apply a visual effect to each of the one or more pixels; direct the one or more pixels with the applied visual effect to a display, and store at least one of the decrypted information or the one or more pixels with the applied visual effect in a computer readable storage medium” (*Id.*)

Applicant respectfully submits that the claims have been amended to overcome this basis of rejection. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

II. Rejection of Claims 1-5, 7-9, 15-19, 21, 23, 27, 28, 34-37, 39, 40, 42 and 43 under 35 U.S.C. § 102

The Office Action rejected claims 1-5, 7-9, 15-19, 21, 23, 27, 28, 34-37, 39, 40, 42 and 43 under 35 U.S.C. § 102(b) as allegedly being anticipated by Fukushima. Of these, claims 1, 15, 34, 39, 40 and 42 are independent. Applicant respectfully traverses.

For a rejection under § 102 to be proper, the reference must teach each and every element of the claim. Fukushima fails to teach or suggest at least the following elements of claim 1:

receiving, by the presentation device, an update to the capture instruction sequence, wherein the update includes instructions executable to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to a second computer readable storage medium when changes to the one or more pixels occur;

executing, by the presentation device, the modified capture instruction sequence to: monitor changes to the one or more pixels

with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to the second computer readable storage medium when changes to the one or more pixels occur.

Fukushima similarly fails to teach or suggest at least the following elements of claim 15:

an information port for receiving (i) the decrypted information directed to the presentation device and (ii) an update to the capture instruction sequence, wherein the update includes instructions executable to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to a second computer readable storage medium when changes to the one or more pixels occur;

executing the modified capture instruction sequence to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to a second computer readable storage medium when changes to the one or more pixels occur.

Fukushima similarly fails to teach or suggest at least the following elements of claim 34:

a host port for receiving (i) decrypted information and (ii) an update to the capture instruction sequence, wherein the update includes instructions executable to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to the second computer readable storage medium when changes to the one or more pixels occur;

executing the modified capture instruction sequence to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to the second computer readable storage medium when changes to the one or more pixels occur;

Fukushima similarly fails to teach or suggest at least the following elements of claim 39:

receive an update to the capture instruction sequence, wherein the update includes instructions executable to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more

pixels with the applied visual effect to the second computer readable storage medium when changes to the one or more pixels occur;

execute the modified capture instruction sequence to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to the second computer readable storage medium when changes to the one or more pixels occur.

Fukushima similarly fails to teach or suggest at least the following elements of claim 40:

means for receiving an update to the capture instruction sequence, wherein the update includes instructions executable to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to a second computer readable storage medium when changes to the one or more pixels occur;

means for executing the modified capture instruction sequence to monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to the second computer readable storage medium when changes to the one or more pixels occur.

Fukushima similarly fails to teach or suggest at least the following elements of claim 42:

receiving, by the graphics processing unit, an update to the capture instruction sequence, wherein the update includes instructions executable to monitor changes to the one or more pixels with the applied visual effect stored in the video RAM and direct the one or more pixels with the applied visual effect to an information port when changes to the one or more pixels occur;

executing, by the graphics processing unit, the modified capture instruction sequence to monitor changes to the one or more pixels with the applied visual effect stored in the video RAM and direct the one or more pixels with the applied visual effect to a host port connected to a system bus for storage in a computer readable storage medium when changes to the one or more pixels occur.

Accordingly, Fukushima fails to anticipate claims 1, 15, 34, 39, 40 or 42 as amended.

Fukushima discloses “a control system for a combined digital video signal receiver and digital video recording/reproducing apparatus...to provide a unified and more convenient user interface for a video programming consumer.” *Id.* at 3:21-26. A user “enters into user interface 22, as by keyboard operation, a command to view [or record] a particular video signal.” *Id.* at 8:58-60; *see also id.* at 9:14. “In response to a user’s command to record a video signal, controller 21 issues tuner control signals...to tuner 11 to select the particular video signal [which is] supplied to digital store 23.” *Id.* at 9:14-18. “Controller 21 further issues a storage control signal to digital store 23 to record the video signal.” *Id.* at 9:18-19.

In addition, the “Controller 21 also issues graphics control signals to character generator 24, causing the character generator to produce character display signals corresponding to a menu or to the operating parameters or functions of receiver 10 and/or recorder 20. Adder 16 combines the video signals from decoder 12 and the character display signals from character generator 24 to produce an output video signal for display.” *Id.* at 9:3-10. Fukushima describes the process of character display signal generation as follows:

In a similar manner, character generator 15 is either substantially disabled or controlled by controller 21 through controller 13 to generate graphic displays complimentary to those produced by character generator 24. In the preferred embodiment, character generator 15 is simply disabled and character generator 24 is utilized instead to produce menu graphics as well as graphics associated with recording/ reproducing functions for display. In an alternative embodiment, character generator 15 and character generator 24 are both controlled by controller 21 to produce complimentary menu graphics which are added together by adder 16 and superimposed on processed video signals from decoder 12. For example, character generator 15 may generate graphics displays associated only with the functionality of receiver 10 while character generator 24 may generate graphics displays associated

either with both receiver 10 and recorder 20 or solely with recorder 20.

Id. at 8:41-57 (emphasis added). Thus, Fukushima discloses combining the video signals and character display signals into a single output video signal for display by “superimpos[ing]” the character display signals over the video signals. Furthermore, Fukushima states that the graphics display signals are “complementary” and utilized for display only.

In contrast, Applicant’s claimed invention includes the receipt and execution of a capture instruction sequence to “monitor changes to the one or more pixels with the applied visual effect stored in the first computer readable storage medium and direct the one or more pixels with the applied visual effect to a second computer readable storage medium when changes to the one or more pixels occur.” Fukushima does not teach monitoring of changes to the one or more pixels with the applied visual effect and directing the one or more pixels to a second computer readable storage medium when changes occur.

For the reasons set forth above, Applicant respectfully submits that Fukushima fails to anticipate Applicant’s claims. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection.

CONCLUSION

Applicant’s discussion of particular positions of the Office Action does not constitute a concession with respect to any positions that are not expressly contested by the Applicant. Applicant’s emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable, nor does Applicant concede that the claims were not patentable in their unamended form.

In view of the foregoing remarks and the inability of the prior art to anticipate the invention disclosed and claimed in this application, all the claims are submitted in a condition for allowance, and notice thereof is respectfully requested. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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